

**CHAPTER NO. 658**

**HOUSE BILL NO. 367**

**By Representative Bowers**

**Substituted for: Senate Bill No. 687**

**By Senator Ford**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 1, relative to obesity.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, is amended by adding Sections 2 through 6 as a new part.

SECTION 2. This act shall be known as and may be cited as the "Obesity Study and Prevention Act of 2002."

SECTION 3. The general assembly finds and declares the following:

(1) That obesity is a serious medical problem affecting up to one-third (1/3) of all Americans;

(2) That a 1997 Kaiser Permanente study concluded that there is a significant potential for a reduction in health care expenditures through obesity prevention;

(3) That obesity is known to cause or exacerbate a number of serious disorders including hypertension, dyslipidemia, cardiovascular disease, diabetes, respiratory dysfunction, gout, and osteoarthritis;

(4) That nearly eighty percent (80%) of patients with diabetes mellitus are obese;

(5) That nearly seventy percent (70%) of diagnosed cases of cardiovascular disease are related to obesity; and

(6) That obesity ranks second only to smoking as a preventable cause of death, with some three hundred thousand (300,000) deaths annually attributable to obesity.

SECTION 4. As used in this part, unless the context otherwise requires:

(1) "Obesity" has the same meaning as defined by the National Institutes of Health, including, but not limited to, the condition in which a person's body mass index is at least thirty (30) kilograms per meter squared, or where a person's body mass index is at least twenty-seven (27) kilograms per meter squared and the person suffers from one (1) or more of the following conditions or diseases:

(A) Type II diabetes;

(B) Impaired glucose tolerance;

- (C) Hyperinsulinemia;
- (D) Dyslipidemia;
- (E) Hypertension;
- (F) Cardiovascular disease;
- (G) Cerebrovascular disease;
- (H) Osteoarthritis of the hips or knees;
- (I) Sleep apnea;
- (J) Gastric reflux disease; or
- (K) Gallbladder disease.

#### SECTION 5.

(a) If the funding requirements set forth within subsection (b) are met, then the department of health or its designee shall sample and collect data on individual cases where obesity is being actively treated and analyze such data in order to evaluate the impact of treating obesity. Such data collection and analysis shall include the following:

- (1) The effectiveness of existing methods for treating or preventing obesity;
- (2) The effectiveness of alternate methods for treating or preventing obesity;
- (3) The fiscal impact of treating or preventing obesity;
- (4) The compliance and cooperation of patients with various methods of treating or preventing obesity; and
- (5) The reduction in serious medical problems associated with diabetes that results from treating or preventing obesity.

(b) The research described in subsection (a) shall occur if, and only if, advance funding sufficient to pay the total cost of such research is received in the form of gifts, grants and donations from individuals, private organizations, foundations and/or governmental units other than the state of Tennessee. However, no such gift, grant or donation may be accepted by the department for such purpose if the gift, grant or donation is subject to any condition or restriction that is inconsistent with this part or any other law of this state. The department shall have the power to direct the disposition of any such gift, grant or donation for the purposes of this part.

(c) After completion of the research authorized in subsection (a) of this section, the department shall submit a report and supporting materials to the general assembly

by March 1 of the following year. A copy of the report shall also be submitted to the senate general welfare, health and human resources committee and the house health and human resources committee.

#### SECTION 6.

(a) A fund is hereby created in a separate account in the state general fund to be known as the "obesity study and prevention fund", hereinafter referred to in this part as the "fund".

(b) Moneys in the fund shall be earmarked for use by the department of health in conducting or supporting research regarding obesity and shall be expended in accordance with the provisions of this act.

(c) Any fund balance remaining unexpended at the end of a fiscal year in the fund shall be carried forward into the subsequent year.

(d) Interest accruing on investments and deposits of the fund shall be carried forward into the subsequent fiscal year.

(e) Moneys in the fund shall be invested by the state treasurer in accordance with the provisions of Section 9-4-603. The fund shall be administered by the commissioner of health.

SECTION 7. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 8. The provisions of this act shall be repealed July 1, 2004, unless funding to conduct the study has been obtained pursuant to Section 5(b) of this act.

SECTION 9. This act shall take effect July 1, 2002, the public welfare requiring it.

**PASSED: April 10, 2002**



JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES



JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 24<sup>th</sup> day of April 2002**



DON SUNDQUIST, GOVERNOR